(1) (3) Single Bench

C.S. 1001

IN THE HIGH COURT OF JUDICATURE, AT BILASPUR (C.G.)

Writ Petition No. 949 **/2005**

PETITIONER : K.K.Dubey, S/o. Shri Ram Kumar Dubey, aged about 49 years, r/o. near S.B.I. colony, Dantewada (C.G.).

VERSUS

RESPONDENTS

1] State of C.G. through Secretary, Law & Legislative affairs Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2] The Deputy Secretary, Law & Legislative affairs Department, D.K.S. Bhawan, Raipur (C.G.)

3) The District & Session Judge, Distt. South Bastar, Dantewada (C.G.)

P.R. No. 961/05 Presented by Shri Vivek Sharma dated 8/7/05

961/05 विलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(31)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 949/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16.3.2005

Shri P. Das, Advocate, for the petitioner.

Shri Pramod Kumar Verma, Additional Advocate General for the State/respondents.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 21.9.2000 (Annexure P-3) whereby the petitioner's certificate to practice as Public Notary has been renewed for a period of three years instead of five years.

Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Dantewada. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the respondent/State for renewal of the said certificate and vide order dated 21.9.2000 his certificate was renewed for a period of three years as per the old law and provisions of sub-Section (2) of Section 5 of the Notaries Act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17.12.1999.

I have perused sub-Section (2) of Section 5 of the Notaries Act, 1952 which reads thus: -

> "The government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time."

(32)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/9491/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2-	

Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years.

In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate.

In view of this order, M.(W.)P.No.759/2005 stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Roshan/-

(पीछे देखिये)

18/3/05
8/5/05